

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF OHIO
WESTERN DIVISION**

Tom Arbino,

Plaintiff,

v.

Case No. 1:12cv318

United States Marshal Service, *et al.*,

Judge Michael R. Barrett

Defendants.

ORDER

This matter is before the Court on the Report and Recommendation filed by the Magistrate Judge on July 27, 2012 (Doc. 19).

Proper notice has been given to the parties under 28 U.S.C. § 636(b)(1)(C), including notice that the parties would waive further appeal if they failed to file objections to the Report and Recommendation in a timely manner. *United States v. Walters*, 638 F.2d 947 (6th Cir. 1981). No objections to the Magistrate Judge's Report and Recommendation have been filed.

Accordingly, it is **ORDERED** that the Report and Recommendation (Doc. 19) of the Magistrate Judge is hereby **ADOPTED**. Plaintiff's case is **DISMISSED** with prejudice for lack of prosecution.

This Court certifies that an appeal would not be taken in good faith pursuant to 28 U.S.C. § 1915(a)(3). *See McGore v. Wrigglesworth*, 114 F.3d 601 (6th Cir. 1997).

IT IS SO ORDERED.

S/Michael R. Barrett

Michael R. Barrett
United States District Judge